

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

JAMES GABRIEL,
a/k/a "Jim Gabriel,"
a/k/a "Pay Day,"

Defendant.

SEALED INDICTMENT

24
23 Cr. 007

COUNT ONE

(Distribution of Controlled Substances)

The Grand Jury charges:

1. On or about December 22, 2021, in the Southern District of New York and elsewhere, JAMES GABRIEL; a/k/a, "Jim Gabriel," a/k/a "Pay Day," the defendant, knowingly and intentionally distributed and possessed with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

2. The controlled substance involved in the offense was a quantity of mixtures and substances containing a detectable amount of methamphetamine, in violation of Title 21, United States Code, Section 841(b)(1)(C).

(Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).)

COUNT TWO

(Firearms Use, Carrying, and Possession)

The Grand Jury further charges:

3. On or about December 22, 2021, in the Southern District of New York and elsewhere, JAMES GABRIEL, a/k/a, "Jim Gabriel," a/k/a "Pay Day," the defendant, during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United

States, namely, the drug trafficking crime charged in Count One of this Indictment, knowingly used and carried a firearm, and in furtherance of such crime, possessed a firearm.

(Title 18, United States Code, Section 924(c)(1)(A)(i).)

COUNT THREE
(Firearms Trafficking – Dealing Firearms)

The Grand Jury further charges:

4. Between at least in or about December 2021 through at least in or about March 2022, in the Southern District of New York and elsewhere, JAMES GABRIEL, a/k/a, “Jim Gabriel,” a/k/a “Pay Day,” the defendant, not being a licensed importer, licensed manufacturer, or licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, willfully and knowingly engaged in the business of importing, manufacturing, and dealing in firearms, and in the course of such business shipped, transported, and received a firearm in interstate and foreign commerce, and aided and abetted the same, to wit, the defendant engaged in the business of dealing firearms.

(Title 18, United States Code, Sections 922(a)(1)(A) and 2.)

FORFEITURE ALLEGATION

5. As a result of committing the offense alleged in Count One of this Indictment, JAMES GABRIEL, a/k/a, “Jim Gabriel,” a/k/a “Pay Day,” the defendant, shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any and all property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of said offense and any and all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, said offense, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offense.

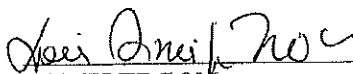
SUBSTITUTE ASSETS PROVISION


6. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Section 853.)


FOREPERSON


DAMIAN WILLIAMS
United States Attorney